

REMARKS

By this amendment, claim 1 has been modified to recite a post having a rectangular cross-section and a collar including a rectangular bore to receive that post. This clearly overcomes the rejection under 35 U.S.C. §102(b) over Wilson et al., which teaches only a round pole. Claim 1 also includes the limitation that the collar is immediately above the fillable portion, a feature also not taught or suggested by Wilson.

Claim 5 stands rejected under 35 U.S.C. §103(a) over Wilson, in view of Brault. The Examiner concedes that Wilson fails to teach grasping handles, but argues that it would have been obvious to include them to move “this stand from one location to another.” Applicant respectfully disagrees. There is no teaching or suggestion in Wilson et al. as to movement or the desire therefore. Indeed, this is a knock-down configuration which is apparently made to stay in one place until it’s taken apart to be moved, as opposed to manually transported intact. Moreover, given that the invention of Wilson is directed to a basketball set for preschool children, the addition of handles (and wheels for that matter), might lead to danger, thereby defeating the field of use.

Claims 6-9 stand rejected under 35 U.S.C. §103(a) over Wilson, in view of Dolin. The Examiner concedes that Wilson fails to teach a base having wheels, a liquid ballast, the base fillable through the bore in the collar and sealable openings, but argues that it would have been obvious to combine Dolin “for the purpose of facilitating the movement of the stand and to regularly filling [sic] and refilling the base.” Again, Applicant respectfully disagrees. It would not be obvious to have wheels to Wilson, since the intended purpose of the Wilson apparatus is to stay-put for use by young children. There is no teaching or suggestion in Wilson as to the use of a liquid ballast, and the limitations of claim 8, namely, that the base is fillable through the bore in the collar portion, are clearly not met. Indeed, an examination of Wilson and Dolin show that the pole is received by a collar which extends through the base, thereby preventing filling through that same collar. Clearly, this claim is allowable over the cited art.

Based upon the forgoing amendments and remarks, Applicant believes that all claims are in condition for allowance. Questions regarding this application can be directed to the undersigned attorney at the telephone/ facsimile numbers provided.

Respectfully submitted,

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